

### **REMARKS**

Prior to entry of this paper, Claims 1-20 were pending. Claims 1-20 were rejected. In this paper Claims 1, 12, and 20 are amended. No claims are canceled or added. After entry of this amendment, Claims 1-20 will be pending. For at least the following reasons, it is respectfully submitted that each of the presently pending claims is in condition for allowance.

#### **Examiner interview**

On November 12, 2009, Applicants' representatives John W. Branch (41,633) and David W. Foster (60,902) conducted a telephonic interview with Examiners Girma and Smith to discuss a proposed amendment to the independent Claims. At that time, the Examiners suggested a further amendment to clarify the recited "media content". Applicants' representatives understood the Examiners to agree that these amendments would put the pending claims into condition for allowance over at least the cited references. Applicants' representatives sincerely thank the Examiners for their time and pleasant manner in conducting the interview.

#### **Claim Rejections – 35 U.S.C. § 103**

Claims 1-18 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujita, U.S. Patent No. 5,550,794 (hereinafter "Fujita") in view of Yamamoto, U.S. Patent No. 7,432,909 (hereinafter "Yamamoto").

Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujita in view of Yamamoto and further in view of Chuey, U.S. Patent Application Publication No. 2005/0024229 (hereinafter "Chuey").

Amended Claim 1 recites, in part (added text underlined):

*a direct-select key in communication with the transmitter and having a property that is replicated in an icon on a display of the media control system, wherein the property associates the direct-select key with the icon on the display such that activation of the direct-select key causes the transmitter to transmit a first command signal to instruct the media*

*control system to initiate an operation that is selectively associated with the icon, and wherein the icon is provided by the media content*

Support for this amendment can be found throughout Applicants' specification as filed, including for example, page 7 line 28 to page 8 line 1. In contrast, Fujita appears to discuss a "main menu" based on services the user subscribes to,<sup>1</sup> an "AV Menu" based on the type of Audio/Video devices the system is controlling,<sup>2</sup> and a "CD control menu" based on functions of a CD player.<sup>3</sup> As such, Fujita's menus appear to discuss "options for selection" defined by subscriptions to program services and AV devices. However, subscriptions to program services and AV devices are not media content. Thus, Fujita's menu options are not "*provided by the media content*" as recited. Therefore, Fujita fails to teach or suggest "a direct-select key in communication with the transmitter and having a property that is replicated in an icon on a display of the media control system, wherein the property associates the direct-select key with the icon on the display such that activation of the direct-select key causes the transmitter to transmit a first command signal to instruct the media control system to initiate an operation that is selectively associated with the icon, and wherein the icon is provided by the media content" as recited in amended Claim 1.

Yamamoto, which was not relied upon in the Office Action to reject this element, also does not teach or suggest this element. Instead, Yamamoto appears to discuss "a specific display element used to control a specific function of the controlled apparatus".<sup>4</sup> Clearly, a specific function of the controlled apparatus is not provided by media content, as recited. Therefore, even the suggested combination of Fujita and Yamamoto fails to teach or even suggest "a direct-select key in communication with the transmitter and having a property that is replicated in an icon on a display of the media control system, wherein the property associates the direct-select key with the icon on the display such that activation of the direct-select key causes the transmitter to transmit a first command signal to instruct the media control system to initiate an operation that is selectively

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<sup>1</sup> See Fujita, col. 2 line 64 to col. 3 line 6 and Fig. 2.

<sup>2</sup> See Fujita, col. 3 lines 26-33 and Fig. 3.

<sup>3</sup> See Fujita, Fig. 4.

<sup>4</sup> See Yamamoto, abstract.

associated with the icon, and wherein the icon is provided by the media content” as recited in amended Claim 1.

Moreover, independent Claims 12 and 20 have been amended to recite features that are substantially similar to, yet different from, the features of amended Claim 1. Therefore, amended independent Claims 12 and 20 are allowable for substantially the same reasons as amended Claim 1. Also, dependent Claims 2-11 and 13-19 depend from amended independent Claims 1 and 12, respectively, and as such are allowable for at least the same reasons as the independent claims from which they respectively depend. Accordingly, Applicants’ representative respectfully requests the rejections of Claims 1-20 under 35 U.S.C. § 103(a) be withdrawn.

**CONCLUSION**

It is respectfully submitted that each of the presently pending claims (Claims 1-20) are now in condition for allowance and notification to that effect is requested. Examiner is invited to contact the Applicants' representative at the below-listed telephone number if it is believed that the prosecution of this application may be assisted thereby. Although only certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentable. Applicants reserve the right to raise these arguments in the future.

Dated: December 31, 2009

Respectfully submitted,

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